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ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/TPS
Margaret P. Grafeld, Director
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ARGENTINA: HUMAN RIGHTS AND BILATERAL RELATIONS

Argentine access to all US security assistance and military sales will be terminated on September 30 on human rights grounds. This is mandated by the Kennedy-Humphrey amendment to the current International Security Assistance Act. In the interim, human rights considerations will heavily influence the US response to pending Argentine requests for training and export licenses.

A current review of Argentina's human rights situation leads to the following conclusions:

- there is no consistent movement toward human rights compliance nor any real prospect for a rapid return to the rule of law;
- an apparent decline in the rate of disappearances since mid-1977 is the most significant positive trend;
- the "disappeared" issue will remain in the forefront, but Argentine officials will not be responsive;
- Argentine authorities understood that the counter-terrorist tactics adopted after the March 1976 coup would lead to human rights problems with the US;
- a combination of priority security concerns and internal political factors have inhibited human rights improvements, even given a much reduced terrorist threat;
- measured progress towards human rights compliance may follow the World Cup soccer games (June) and executive reorganization (August); but
- US actions, unsupported by other governments and private lenders and investors, probably cannot force rapid changes in the present situation.

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Current human rights record. The 1978 human rights record of the military junta led by President Jorge R. Videla is demonstrably better, at least in quantitative terms, than it was in mid-1977. Serious violations still occur, however, raising questions about the significance of measures that Argentine officials insist be recognized as "fundamental improvements."

A balance sheet compiled on events as we know them since last November reveals no convincing evidence that a return to the rule of law is imminent. On the positive side:

--An apparent, although unverifiable, decline in the rate of disappearances has occurred since mid-1977. Both Embassy Buenos Aires and Argentine human rights activists believe that the rate has declined. If true, this is the most important development listed here.

✓ --Over 300 prisoners were released in a Christmas amnesty. Subsequently, the government undertook serial publication (nine lists to date) of the names of the some 3,300 executive (state-of-siege) prisoners acknowledged as detained.

✓ --The "right of option" program has been implemented, enabling executive detainees to petition for exile in lieu of continued imprisonment. Less than 50 prisoners have so far departed under this procedure, however.

--Responsive action has been taken on cases in which the US has expressed special interest, e.g., Jacobo Timerman, Guillermo Vogler, and the Deutchs.

--Attempts reportedly have been made by some security authorities to regularize detention procedures, return counterterrorist troops to normal military activities, and demilitarize the police.

On the negative side of the ledger:

--Disappearances continue, with one of the several security entities probably responsible in nearly every instance. Victims have included not only suspected terrorists but also labor leaders and workers, human rights advocates, scientists and doctors, members of radical political parties, and others whose specific vulnerability remains unknown.

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--A particularly disturbing incident resulted from the mid-December abduction by unidentified security personnel of 13 members of the Mothers of Plaza de Mayo, a group that pressures the government for information on disappearance cases. According to reliable Embassy sources, the bodies of seven of the group, including two French nuns, washed ashore earlier this year.

--There are five reasonably documented cases in which political prisoners were released and almost immediately assassinated, presumably by security officials.

--Official harassment of selected religious groups continues. The Jehovah's Witnesses have borne much of the brunt.

✓ --Despite President Videla's professed desires, renegade security elements continue to operate with apparent impunity because they act with the toleration if not under the orders of some military officials. At least in cases involving suspected terrorists, clandestine arrest, torture, and summary execution are standard practices.

✓ The improvements were undertaken at some political risk by President Videla and his supporters in official and military circles, because such measures are viewed by hardline officers as unacceptable concessions to Argentina's critics. Nonetheless, they are largely discretionary measures implemented to mollify foreign and domestic observers. They do not amount to a concerted, effective effort to halt fundamental abuses or revitalize the legal and institutional barriers that would prevent human rights violations in the future.

✓ Problem of the "disappeared." Estimates vary widely, but at least several thousand people have disappeared since the March 1976 military coup. Security personnel have been responsible in most cases, and it is during illegal detentions and subsequent interrogations that the most egregious violations tend to occur. In mid-1977 there was some fear that the gradual reduction in the number of terrorist combatants would be followed by a sweeping and systematic effort to eliminate so-called "intellectual authors of terrorism" and others who, for whatever reason, ran afoul of military hardliners. To our knowledge, no such sweeping attack was initiated, although, as indicated above, non-terrorists representing a variety of sectors and interests have been abducted. Many are reported or presumed to be dead.

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✓ When serial publication of the list of acknowledged executive detainees is completed, a new dimension to the "disappeared" issue will emerge. The great majority of those allegedly abducted whose names are not on the completed list must be presumed dead. A few may have surreptitiously fled the country or be living underground, and some may still be detained. However, there seems little basis for rumors that thousands are being held in secret camps around the country.

✓ When domestic and international groups and individuals demand an official accounting for the "disappeared", government spokesmen will almost certainly stick with the explanation already formulated publicly. This asserts that counterterrorist excesses have been responsible for a few disappearances, but the vast majority are traceable to other causes including undocumented exile, death at the hands of terrorist companions, and resort to underground existence. The domestic protest will be manageable from the government's viewpoint, because it will probably be limited largely to relatives and friends of the "disappeared". Most Argentines, while not condoning the carnage of the past two years and the preceding Peronist era, believe that terrorists are receiving their due and will want to put the "mistakes" suffered by non-terrorist victims behind them rather than prolong the ordeal. Foreign groups, including governments, that press for an accounting, may well find the Argentines arguing that more can be done in human rights terms by seeking to prevent future disappearances than by demanding explanations for past ones.

✓ Source of bilateral friction. Argentina's human rights situation and its problem with the US stem directly from priorities obviously established by the military junta when it assumed power in March 1976. Almost no one in military or civilian circles questioned the need to halt the devastating political violence that characterized Isabel Peron's administration (July 1974-March 1976), and few demanded that the task be accomplished within the bounds of the law. The counterterrorist effort was viewed as a war, and security personnel judged their tactics by their expediency rather than their legality. There can be no question that government authorities tolerated the resulting human rights abuses and understood, within months of taking power, that there would be adverse consequences for Argentine-US relations.

Warnings concerning the likely US response to human rights abuses were issued to high military officials by Embassy Buenos Aires officials before the March 1976 coup, and the US public and private posture stiffened with the inauguration of the Carter administration. The Argentine leaders, however, had

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simply decided that elimination of the terrorists was more important than maintenance of close relations with the US. They appear to have concluded that so long as the abuses in the countersubversive campaign did not provoke intolerable levels of internal opposition or block access to sources of public and private international financing and investment or non-US sources of military material, Argentina could, however regrettably, forego US friendship and survive US sanctions. Once the counterterrorist emergency was past, bilateral relations would improve. In the meantime, Argentina would request US patience and understanding, react to sanctions in a dignified, restrained manner, try to isolate the negative impact of the human rights issue from other aspects of bilateral relations, and make concessions on human rights only when they did not inhibit the counterterrorist effort. Also operative may have been the belief that Argentina's potential as a nuclear proliferator would make it impolitic for the US to completely alienate the country. Whether originally conceived in this manner or not, this is how the Argentine strategy has worked out.

Present restraints on improvements. With the terrorist threat reduced by roughly 90 percent, the question becomes one of why the Videla government has not responded with more rapid and consistent human rights progress. Security factors continue to provide part of the explanation:

- ✓ --Several hundred terrorist operatives remain active, and the military's commitment to eliminate them to the last man has not been altered. There is no "hardline-moderate" schism on this issue. Officers disagree on targeting non-terrorists and a variety of other questions, but not on the treatment of hardcore terrorists.
- The World Cup soccer games in June will expose Argentina to world scrutiny over an extended period, and Argentine authorities can be expected to take every security precaution, legal or otherwise, to ensure against terrorist disruption. According to a reliable clandestine source, army generals decided in late March that, in light of the Cup competition, security elements would continue to use the same counterterrorist tactics employed over the past two years. Our current information on terrorist plans indicates that they will avoid spectacular violence that would endanger fans and participants and concentrate on attempts to provoke security personnel into repressive acts that would receive worldwide publicity.

The dynamics of domestic politics also inhibit human rights improvements, and it is in this respect that the "hardline-moderate" dispute becomes significant. Videla, his closest military adviser, General Robert Viola (Army Chief of Staff), and their supporters (the "moderates") would prefer to end human rights abuses, at least insofar as non-terrorists are being victimized. Powerful corps commanders such as Generals Carlos Suarez Mason, Corps I, Buenos Aires, and Benjamin Menendez, Corps III, Cordoba, (the "hardliners") are less scrupulous about dealing with a broad range of suspected leftists and government opponents. While this is the major disagreement in terms of human rights, differences within and among the three services also exist on other important issues such as economic policy, labor legislation, and the nation's return to civilian rule. Since the principal actors do not always line up in the same way that they do on the human rights issue, the result is a complex maze of military interest groups and personality cults. Such has traditionally been the case with the Argentine armed forces, and it is not necessarily a destabilizing situation unless disagreements are allowed to escalate into irreconcilable questions of principle or personality. Videla's primary task, therefore, becomes one of maintaining the viability of military rule by preserving armed forces unity and cohesion rather than homogeneity. He has not forced a human rights showdown with powerful army figures like Suarez Mason and Menendez because he probably believes that it would seriously threaten military unity and thereby endanger the very existence of his government and the success of the military's post-Peron reconstruction program.

Much has been made of the struggle between Videla and Navy Commander Emilio Massera who has tried to portray himself to some US authorities as a human rights advocate rendered powerless by army hardliners. The admiral's self-proclaimed human rights sensitivities did not prevent naval subordinates from committing abuses in their counterterrorist efforts. Massera's human rights machinations along with his public criticism of other government policies are matters of political convenience designed to promote his presidential ambitions. He has been an irritant to Videla, but the fact remains that the army is by far the dominant armed service, and its generals are unlikely to desert Videla to further Massera's personal cause. In fact, it can be argued that Massera has survived as navy commander precisely because he has avoided an open confrontation with Videla of sufficient gravity to force one or the other of them out of power.

A third factor currently militating against dramatic human rights improvements is the availability of alternate suppliers

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of what Argentina wants most from the US--military equipment, parts, and training. West European suppliers are competing for Argentina's arms dollar, offering training and equipment sufficient to cover the nation's needs. Argentina's military brass would clearly prefer to buy what they want in the US, but they are content to buy European rather than pay the human rights price demanded by the US.

West European governments have not been inclined to terminate military sales or apply economic sanctions on human rights grounds, even though they also have nationals listed among the "disappeared" in Argentina. For example, in retaliation for Argentina's failure to explain the disappearance of two French nuns abducted last December, the French government withdrew two prestigious but essentially meaningless training slots. Argentine equipment purchases have not been prohibited.

Finally, corrective measures have probably been discouraged by certain self-serving perceptions of the nature and success of US human rights initiatives. Comment from official and media sources reveals the belief that:

- the "failure" of the Belgrade Conference exposed the ineffectiveness of the US policy with respect to its primary target, the Soviet bloc, and therefore is a harbinger of a less aggressive US stance in the future;
- increased terrorist activity in Western Europe and the Middle East has "toughened" the West's attitude on security/human rights issues; and
- the US has acquiesced, or at least agreed to disagree, in the face of Brazil's tough bilateral posture on human rights.

Some progress possible. Completion of the World Cup games, the inauguration of Videla's presidency as a retired officer (August 1), and the selection of new service commanders/junta members may create a climate more conducive to human rights compliance. A rapid transformation is unlikely, however. US pressure alone, unsupported by other governments and private lenders and investors, is unlikely to carry decisive weight with the Argentines.

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5/17/78

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